



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,303	09/02/2003	Watson Wan	Sympel03-01-1	4413
7590 03/14/2005				
Gerald L. Robertson Sympel Communications Suite 204 300 Brannan Street San Francisco, CA 94107			EXAMINER TRAN, TUAN A	
			ART UNIT 2682	PAPER NUMBER
DATE MAILED: 03/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/654,303

**Applicant(s)**

WAN ET AL.

**Examiner**

Tuan A Tran

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zendle et al. (6,628,627) in view of Pedersen (2003/0125089).

Regarding claim 1, Zendle discloses a point-of-presence 414(or customer premise) (See figs. 4-5) comprising: a wireless transceiver 505; a router 507 in communication with the wireless transceiver 505; an inherently a primary power supply; a network having at least one backbone router, the network being in a location away from the point-of-presence 414; communication link between the router 507 and the network, providing communication between the backbone router and the point-of-presence router 507; at least an antenna 418 in communication with the wireless transceiver 505, the antenna 418 providing the basic link to the network for a subscriber having IP address access to the network and means for transceiving data thereto (See figs. 3-5 and col. 6 line 47 to col. 7 line 9, col. 7 lines 39-48, col. 9 line 18 to col. 11 line 8). However, Zendle does not mention the point-of present comprises primary and secondary wireless radio controlled by an Ethernet switch and an uninterruptible power

Art Unit: 2682

supply (UPS) connected to the primary power supply for providing power to the radios, the Ethernet switch and the router. Since both the wireless transceiver as disclosed by Zendle and the wireless radios controlled by the Ethernet switch asserted by the instant application perform the same task that is to provide multi-channel service to the user (See col. 6 line 63 to col. 7 line 6, col. 9 lines 18-25 and Specification page 6 lines 17-21) and the technique of using plurality of wireless radios controlled by a switch to provide multi-channel service within a customer premise is well known in art as shown by Pedersen (See fig. 2 and page 3 [0035-0036]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of wireless radios as suggested by Pedersen for the advantage of avoiding service interruption while performing necessary maintenance and/or repair to the wireless radios of system. Further, since uninterruptible power supply (UPS) such as battery, is common in the art; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an UPS to Zendle's system in order to keep the system being operable during a power outage.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Godwin (6,741,834); Gorman (6,141,356)

### ***Conclusion***

Art Unit: 2682

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121

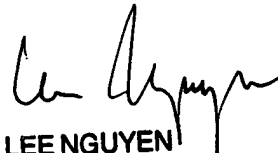
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

AU 2682



LEE NGUYEN  
PRIMARY EXAMINER

